



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,082	06/15/2000	Hiroshi Shimada	193220US2S	8576

22850 7590 12/05/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

LE, KIMLIEN T

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,082

Applicant(s)

SHIMADA, HIROSHI

Examiner

Kimlien T Le

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-18, 20-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Takamine (U.S. Patent 5,517,474).

Regarding claims 1 and 19, Takamine shows an optical disk reproducing apparatus comprising: a signal extracting section (Fig. 4, elements 7,12,1 ; See also column 10, lines 25-45) configured to emit light on to a track of a disk on which information has been recorded during rotation of the disk, to extract the information by receiving the light which is reflected from the track or is passed through the track, to convert the information to an electric signal, and to output the electric signal; an information signal generating circuit (Fig. 4, element 22; See also column 12, lines 20-30) configured to generate a signal including the information which is recorded on the disk and a tracking error signal which shows a deviation of a relative position in the radial direction of the disk between the light which the signal extracting section emits and the track from the signal extracting section; a tracking moving section (Fig. 4, element 19; See also column 12, lines 1-15) configured to move the position of the light emitted from the signal extracting section in the radial direction of the disk; a tracking control circuit (Fig. 4, element 35) configured to generate a tracking control signal in response to the tracking error signal such that the position of the emitted light from the signal extracting section is maintained on the track; an

Art Unit: 2653

eccentricity signal generating circuit (Fig. 4, element 26. See also column 12, lines 20-30) configured to generate an eccentricity showing a position deviation between the center point of the track of the disk and the rotation center point of the disk on the basis of the output of the information signal generating circuit; and a tracking correcting circuit (Fig. 4, element 32. See also column 12, lines 25-30) configured to substantially add the output of the eccentricity signal generating circuit to the output of the tracking control circuit to drive and control the tracking moving section on the basis of the added output.

Allowable Subject Matter

Claim 2-18 and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

In claim 2, the limitation of the optical disk reproducing apparatus according to claim 1, wherein the eccentricity signal generating circuit comprises: a reading-out speed detecting circuit configured to detect the reading-out speed of the information from the output of the information signal generating circuit, and a band-pass filter configured to extract the component which is near the rotation frequency of the disk within the range of the change in the reading-out speed of the information from the output of the reading-out speed detecting circuit to output the eccentricity signal, taken in conjunction with the limitations of claim 1, is not anticipated, nor made obvious over the prior art of record.

In claim 20, the limitation of the optical disk reproducing method, wherein the eccentricity signal generating step comprises: detecting the reading-out speed of the information

Art Unit: 2653

from the information signal, and extracting the frequency component which is near the rotation frequency of the disk within the range of the change in the reading-out speed of the information from the detected reading-out speed to output the eccentricity signal, taken in conjunction with the limitations of claim 19, is not anticipated, nor made obvious over the prior art of record .

Cited References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references are all related to an optical disk reproducing apparatus.

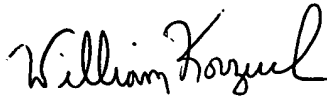
Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305 6137. The fax phone number for the organization where this application or proceeding is assigned is 703 872 9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

Kimlien Le


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600